



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

J.N

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/985,576    12/05/97    WESTERMAN    L    7146007

LM31/1026  
CHERNOFF VILHAUER MCCLUNG & STENZEL  
600 BENJ.FRANKLIN PLAZA  
ONE SOUTHWEST COLUMBIA  
PORTLAND OR 97258

EXAMINER

DESIRE, G

ART UNIT

PAPER NUMBER

2721

6

DATE MAILED: 10/26/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/985,576

Applicant(s)  
Larry Alan Westerman

Examiner  
Gregory Desire

Group Art Unit  
2721



☒ Responsive to communication(s) filed on Aug 17, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-36 is/are pending in the application.

Of the above, claim(s) 6 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-5 and 7-36 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2721

### **DETAILED ACTION**

1. This action is responsive to communication filed on 8/17/99.

#### ***Response to Amendment***

2. The examiner withdraws 35 U.S.C 112 second paragraph after further thought and consideration. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 7-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki (5,627,586) in view of Takagi et al (5,245,381).

Regarding claims 1, 12, 19, and 27-29 Yamasaki et al discloses,

Art Unit: 2721

(A) an imaging device that at least one of the obtains and presents at least one image (note fig. 1 block 10). (Shows a video camera. It is inherent for a camera to obtain and present at least one image.);

(B) an eye gaze system associated with said imaging device that determines portion of said at least one image that an eye of a viewer observes (note fig. 3 in connection with col 6 lines 1-2 and Fig. 6). The camera has gazing point member. The examiner interprets a member as being part of a system. Also, fig. 6 shows an image plane with several regions s1-s4. The examiner interprets the regions as being portion of the image.)

(C) said image system associating said at least one image with said portion of said at least one image (note fig. 6). Wherein the s1 is a region in the image plane, thus there is some association with the image.

(D) an image processor that identifies the content represented by said at least one image based on the content of the image together with said portion (note fig. 1, block 18; Shows processing unit capable identifying contents represented by an image from a video camera).

Yamasaki is silent disclosing an image system that determines non-closed portion.

However, Takagi does include an images system that determines non-closed loop portion including multiple points (note fig. 14, blocks Dk(Xk, Yk) and (Di (Xi, Yi), shows multiple points, examiner interprets as non-closed loop).

Art Unit: 2721

Therefore it would have been obvious to one having ordinary skill in the art for gaze information to be a non-closed loop in the system of Yamasaki as evidenced by Takagi because Yamasaki system includes gaze system associated in an imaging device; and Takagi in the same field of endeavor includes a system that determines non-closed loop portion to show positions of parts of an image field.

Regarding claims 2, 19, and 29 Yamasaki and Takagi disclose:

wherein said imaging device is at least one of a film based camera, a digital based still camera, and a digital based video camera (note fig. 1 block 10). The imaging device is described as a video camera.

Regarding claim 3 Yamasaki and Takagi disclose:

wherein said imaging device presents said at least one image to said user at a time subsequent to recording said image. This is inherent in a camera to present an image to a user at a time subsequent to recording an image.

Regarding claims 4, 20 and 30 Yamasaki and Takagi disclose:

where said eye gaze system is integral with said imaging device (Yamasaki; note fig 3 in connection with col 6. lines 1-2). Eye gaze system is a member of the video camera.

Art Unit: 2721

Regarding claims 5, 7, 14-16, 21-23 and 31-33 Yamasaki and Takagi disclose:

wherein said non-closed loop portion is within said at least one image (Takagi; fig. 14).

The examiner interprets the block 102 to be an image plane (image). Non closed loop is within the image plane. Non closed loop is a point with the image zone. Non closed loop is a region of the image zone.

Regarding claims 8, 24, and 34 Yamasaki and Takagi disclose:

wherein said image system associated is storing said loop portion on a recording media of said image device (Yamasaki; note col. 2 lines 30-35). The image device stores image signal of images within image zones.

Regarding claims 9, 25, and 35 Yamasaki and Takagi disclose:

wherein said loop portion is used at the basis to define a closed loop portion (Yamasaki; note fig. 6 block 66 and fig. 11 ). Figure shows an image plane examiner interprets as closed loop. The points within non-closed loop defines the closed loop portion.

Regarding claims 10, Yamasaki and Takagi disclose:

wherein said at least one image is said obtained substantially contemporaneously with said non-closed loop portion (Yamasaki, note fig. 6). The examiner interprets image plane as an

Art Unit: 2721

image. Once the tracking system is focus on a loop it is occurring contemporaneously with the image plane.

Regarding claim 11,

further comprising an image processor that identifies the content of said at least one image based on the content of the image together with said non-closed loop portion (note fig. 1 block 18). The examiner interprets the CPU as image processor which identifies the contents of the whole image plane.

Regarding claim 13,

wherein said gaze information is transformed into a closed loop portion of said image and said image processor analyzes said image based at least in part on said image itself together with said closed loop portion to determine the content of said image (note col. 3 lines 47-50). The correlation calculation means analyze the image signals with reference signals. This is done in the cpu.

Regarding claim 17,

wherein said image processor includes at least one of shape identification, texture identification, color identification, and spatial identification (note fig. 12 in connection with col. 5 lines 23-25). Yellow and cyan separation identifies color.

Art Unit: 2721

Regarding claim 18,

further comprising storing said content in a database (note fig. 1 block 22 and 24). The examiner interprets ram and rom as data base where information is stored.


*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900

**MATTHEW BELLA  
PATENT EXAMINER**



G.D.

October 24, 1999